

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Before the Court for consideration is the Report and Recommendation (ECF No. 2) of the Honorable Cam Ferenbach, United States Magistrate Judge, entered August 16, 2013.

Pursuant to Local Rule IB 3-2(a), objections were due by August 30, 2013. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and has determined that Magistrate Judge Ferenbach's Recommendation should be **ACCEPTED**.

IT IS THEREFORE ORDERED that the Clerk of the Court shall file Plaintiff's Complaint (ECF No. 1-1).

IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 1-1) shall be **DISMISSED with prejudice**, for plaintiff to commence a *new action* and file a petition for writ of habeas corpus naming the proper defendant.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

DATED this 5th day of November, 2013.

Gloria M. Navarro
United States District Judge